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DENNIS H LAMBERT
7000 VIEW PARK DRIVE
BURKE VA 22015

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OFFICE OF PETITIONS

In re Patent No.5,971,141 :
Issue Date: 26 October, 1999 :
Application No. 09/052,175 : **DECISION ON PETITION**
Filed: 31 March, 1998 :
Attorney Docket No. 56733 :

This is a decision on the petition filed on 27 February, 2012, properly treated as a petition pursuant to 37 C.F.R. §1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition pursuant to 37 C.F.R. §1.378(c) is **GRANTED**.

BACKGROUND

Patent No. 5,971,141 (the '141 patent) issued on 26 October, 1999. The third maintenance fee could have been paid during the period from 26 October, 2010, through midnight 26 April, 2011, or, with a surcharge, during the period from 27 April, 2011, through midnight 26 October, 2011.

Accordingly, the patent expired after midnight 26 October 2011, for failure to pay timely the third maintenance fee.

(The original petition (with fee) pursuant to 37 C.F.R. §1.378(b) was filed on 28 December, 2011, and dismissed on 23 January, 2012—it was noted therein that Petitioner could have chosen to submit a petition pursuant to 37 C.F.R. §1.378(c), averring unintentional delay, but apparently did not to do so at that time.)

The instant petition was filed on 27 February, 2012.

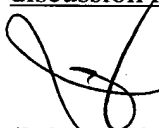
Because the petition was submitted within twenty-four (24) months after the six- (6-) month grace period provided in 37 C.F.R. §1.362(e), the petition was timely filed pursuant to the regulations at 37 C.F.R. §1.378(c).

The petition pursuant to 37 C.F.R. §1.378(c) is **GRANTED**.

The maintenance fee is hereby accepted—the appropriate fees were submitted *via* check(s)—and the above-identified patent is reinstated as of the mail date of this decision.

The patent file is being returned to IFW Files Repository.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.